

1 REMARKS

2 The Examiner rejected the claim under 35 U.S.C. § 112, first paragraph, as failing to
3 comply with the enablement requirement . The Examiner also rejected the claim under 35 U.S.C. §
4 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the
5 subject matter which applicant regards as his invention. The Examiner also objected to the disclosure
6 under 37 C.F.R. § 163 because the specification presented less than a full and complete botanical
7 description and the characteristics which distinguish the variety over related known varieties. The
8 Examiner identified a number of areas that needed corrections or additional information. In response,
9 the Applicants have, except where identified below, amended the specification to comply with the
10 Examiner's requests and to provide the additional information requested by the Examiner. The
11 Applicants believe the amendments made in response to the Examiner's rejections and objection have
12 placed the application in position for allowance.

13 As stated above, the Applicants have generally amended the specification as requested
14 by the Examiner and has provided the additional information sought by the Examiner. These
15 amendments are set forth above and in the replacement specification included herewith. The only
16 issues identified by the Examiner not amended are identified below by reference to the list set forth in
17 the Examiner's Office Action.

18 Item T - The Examiner requested the Applicants to set forth the kernel's shape, average size
19 and color. The original text of the subject patent application set forth information regarding the
20 stone, including shape, size and color (i.e., oval, 35mm by 25mm by 20mm and Punjab). Applicants
21 believe that this is the information sought by the Examiner with regard to the "kernel" of this peach.

22 Item X - The Examiner requested the Applicants to positively quantify known characteristics
23 of the fruit of the instant variety using established horticultural methods of measure common to the
24 crop in question, such as percent soluble solids (Brix), titratable acidity and penetrometer firmness at
25 harvest. Because none of these characteristics are known, the Applicants are unable to provide this
26 information.

27 RESPONSE/AMENDMENT

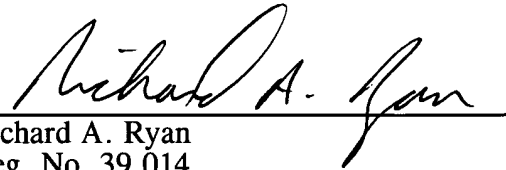
Appl. # 10/828,689

1 In view of the foregoing, it is submitted that this application is in condition for
2 allowance. Reconsideration of the rejections and objections in light of this Amendment is requested.
3 Applicants believe that the claim is in condition for allowance. Allowance of the single claim is
4 respectfully solicited.

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6 Dated: April 22 2005

7 Respectfully Submitted,

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9 By


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